

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHARON LEIGH JONES,)	Case No. 1:21 CV 1309
)	
Plaintiff)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
COMMISSIONER OF SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant)	<u>ORDER</u>

The Commissioner of Social Security Administration (the “Commissioner”) denied supplemental security income to Plaintiff Sharon Leigh Jones (“Plaintiff” or “Jones”) in the above-captioned case. Plaintiff sought judicial review of the Commissioner’s decision, and this court referred the case to Magistrate Judge Darrell A. Clay (the “Magistrate Judge” or “Judge Clay”) for preparation of a Report and Recommendation (“R & R”). Both parties submitted briefs on the merits. Plaintiff requested an order vacating the Commissioner’s decision and remanding the case on the grounds that the Administrative Law Judge’s (“ALJ”) decision was not supported by substantial evidence because the ALJ failed to properly evaluate the medical opinion of Megan Oberhauser, D.O. (Pl.’s Br., ECF No. 10.) The Commissioner sought final judgment affirming her decision below. (Def.’s Br., ECF No. 13.)

Judge Clay submitted an R & R (ECF No. 15) on July 20, 2022, recommending that the court reverse the Commissioner’s decision and remand the case for additional proceedings. Specifically,

the Magistrate Judge found that the ALJ's determination of Jones's residual functional capacity ("RFC") was not supported by substantial evidence, as it was based on an improper evaluation of Dr. Oberhauser's medical opinion. (R & R at PageID #682, ECF No. 15.) The ALJ found that opinion unpersuasive because it relied on Jones's own subjective, "self-reported" diagnoses of fibromyalgia and systemic lupus erythematosus. (*Id.* at PageID #684–86.) Judge Clay concluded that the ALJ's failure to provide due consideration to Jones's statements was more than harmless error, and recommended that the court remand to the ALJ with instruction to reevaluate Jones's RFC in reconsideration of Dr. Oberhauser's opinion. (*Id.* at PageID #692–94.)

Objections to the Magistrate Judge's R & R were due by August 3, 2022, but neither Jones nor the Commissioner submitted any. Accordingly, this matter is ripe for review.

The court finds, after careful *de novo* review of the R & R and all other relevant documents in the record, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own Judge Clay's Report and Recommendation (ECF No. 15). The court hereby reverses the Commissioner's decision denying supplemental security income and remands this matter with instruction to the ALJ to reconsider Jones's severe impairments of fibromyalgia and systemic lupus erythematosus in accordance with the Magistrate Judge's Report and Recommendation, including reevaluation of the RFC and reconsideration of Dr. Oberhauser's opinion.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

August 18, 2022